

Remarks

The numbered paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

Election / Restriction

1-7. The Examiner required a "Restriction to one of the following inventions":

- I. Claims 1-14;
- II. Claims 15-16.

The Examiner provided reasons why the Examiner believes that these "inventions" are distinct and indicated why the restriction is proper. The Examiner also referred to a telephone conversation with applicant's patent counsel, where an election without traverse as made to the claims of group I (claims 1-14). The applicant confirms this election and has withdrawn the unelected claims. The applicant has confirmed that the inventorship remains correct and should not require amendment after the withdrawal of the unelected claims. The applicant believes that the withdrawal of claims 15 and 16 and the confirmation of this election here in these remarks is fully responsive to the restriction requirement of these paragraphs.

Claim Rejections – 35 USC § 103

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8. The Examiner provided the citation to 35 U.S.C. § 103(a), which forms the basis for all obviousness rejections set forth in this Office action. The applicant believes that no specific response is required for this paragraph.
9. The Examiner noted that the application currently names joint inventors and that the applicant has the obligation to point out the inventor and invention dates of each claim not commonly owned at the time a later invention was made. The applicant believes that since both inventors were employees who assigned their interest to the current owner of the application at the time of invention, all of the pending claims are commonly owned and were so at the time the invention was made.
10. The Examiner rejected claims 1-3 and 5-14 "under 35 U.S.C. § 103(a) as being unpatentable over Dickopp et al. (US 5,179,623) in view of Marash et al. (US 6,363,345)." The applicant has requested that claim 1, on which claims 2-14 depend, be amended to more clearly point out the sub-steps of the power calculation step of the applicants invention. The applicant does not believe the claims, with their elements, as currently pending in their entirety are described, disclosed or suggested by the cited or any other known "prior art." The applicant respectfully requests reconsideration and withdrawal of this rejection.
11. The Examiner rejected claim 4 "under 35 U.S.C. § 103(a) as being unpatentable over Dickopp in view of Marash as claims 1-3 and 5-14 above, and further in view of Pawate et al. (US 5,749,064)." As noted above, the applicant has requested that claim 1,

on which claim 4 depends, be amended to more clearly describe the power calculation step. Since claim 4 incorporates all of the limitations of claim 1, the applicant believes that the requested amendment to claim 1 also addresses the rejection of this paragraph. Again, the applicant does not believe that claim 1, with all its elements and the elements of claim 1 on which it depends, as currently pending in its entirety is described, disclosed or suggested by the cited or any other known "prior art." The applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

The Examiner has provided information concerning communication and/or inquiries concerning this case. Applicant appreciates the Examiner's willingness to communicate and assist regarding this case and believes no response to this paragraph is necessary.

The applicant has requested that claim 1 be amended as previously described. The applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that the pending claims 1-14 including the amended claim 1, is patentable over all known prior art. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 10th day of September, 2004.

Response/Amendment
App. S/N: 09/596,700
Attorney Docket No. 4246 P

RESPONSE TO NON-FINAL OA
Response, Amendment

Examiner Ping Lee
Group Art Unit: 2644
Confirmation No. 5438



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